

NORTH BERWICK, MAINE 2014

MINUTES OF PLANNING BOARD JUNE 26, 2014

Present: Chairman Barry Chase, Geoffrey Aleva, Rick Reynolds, Mark Cahoon, Jon Morse, Anne Whitten, Lawrence Huntley, CEO

Also Present: Laura Cronin, Helen Crocker, Susan M. Denke, Cortney Beamis, Sara Littlefield, Caroline Littlefield, Nancy Madore, Betty Madore

1. Call to Order:

Chairman Chase called the meeting to order at 6:35 pm.

2. Review Previous Minutes:

Jon Morse stated that on Page 3 in the second paragraph, the first sentence reads, “Ms. Crocker stated that her barn is 10 x 30 and is only has 2 stalls.”. It should read, “Ms. Crocker stated that her barn is 10 x 30 and has only 2 stalls.”.

Rick Reynolds motioned to accept the minutes from June 12, 2014 as amended. Mark Cahoon seconded the motion. VOTE: 4-0

3. Current Business:

Chairman Chase stated that the Agenda item for tonight was for applicant Helen Crocker. She is requesting a conditional use permit for Animal Breeding and Care to board two horses on property located at One Davis Way (Map 2, Lot 51-8).

Helen Crocker stepped forward to discuss her application. She stated that the letter that went out to the abutters stated that she wanted horses for breeding but this is not the case. She just wants them as pets. She presented the Board with some signatures from some of the neighbors. She stated that she has the land and a two stall barn and would like to bring Rosie back. Chairman Chase asked her how much land she had. She stated that her first deed has 2.29 acres and she has another one that is just about 3 acres which is all woods. Larry Huntley stated that when he looked it up it was 3 acres. She stated that she did not count the 3 acres for this because it is all woods and she just included the property that could be used as grazing land.

Larry went through the situation to update the Board members that were not at the previous meeting. He stated that about two months ago, a gentleman came into his office and wanted to apply for a permit for a barn. Larry noticed that it was for a horse barn. He looked to see where

the property was located and he saw that it was in Davis Estates. He then looked at land use tables to see if animal breeding and care are allowed in that zone and he found that it was allowed with a CEO permit. He stated that animal breeding and care is not livestock according to our definitions. He then asked Ms. Crocker to come in and get a permit for a horse and she did. He had done it for one horse because he had done some research to see how much land was needed per horse. He found that it was 1½ acres for one horse. The following week he received a call from a neighbor stating that she had two horses on the property. Larry went to see Ms. Crocker and asked her to remove one horse, which she did with no issues. Ms. Crocker came before the Board at the last meeting to propose a change to the Ordinance so it would allow her to have 2 horses. At the previous meeting, the Board suggested to Ms. Crocker to obtain a conditional use permit to allow her to have two horses.

Ms. Crocker stated that the second horse, Rosie, belonged to a friend of hers and Ms. Crocker thought that she would be good with her horse, Frankie as a friend. She stated that at the previous meeting it was also discussed as to what a horse needs and doesn't need. The 1½ acres that was brought up is just for grazing land. She feeds her horse grain and hay as well. She has over 2 acres of cleared land and there are three areas that are all fenced off where the horse eats hay. She also keeps the area very clean.

Chairman Chase asked Larry Huntley if anything new had come up since the last meeting. Larry stated that somebody had mentioned something about an electric fence in a subdivision. He stated that some people are afraid of these electric fences being in the subdivision especially with children around. Laura Cronin stated that there are no electric fences in the front. She stated that there is just electric fencing but there is no box. She said that there is a place for it but they have not purchased an electric fence. She also stated that the neighborhood children do come over. They keep the fence off at all times.

Ms. Crocker stated that Mr. Davis was a friend of her fathers and he acquired this 600 acres a long time ago. Mr. Davis had said that he wanted to build a bunch of homes so the Board at the time said that he had to call it something. They decided to call it Davis Estates under a subdivision law. She states that a subdivision is all lights, sidewalks, etc., which is not what they have. She said that everyone that lives there has 3 to 4 acres.

Anne Whitten stated that since she actually has 5 acres, it does not have to all be grazing land because she will feed them grain and hay. She stated that she researched online today to see if there were any statutes that could be applied here and she said that there was nothing. Geoffrey Alevea stated that the Cooperative Extension, 4-H and the University of Maine had recommendations and guidelines for what is needed.

Chairman Chase asked Mr. Huntley if there was anything in the Ordinance regarding electric fences in subdivisions and he said that there was none. The Board went on to review and discuss the definition listed on Page 3-2 which reads as follows:

Animal breeding and care: The keeping and raising of animals, including but not limited to fowl, for any non-commercial use. This term shall not include Household pets.

Jon Morse asked about the difference between animal husbandry and animal breeding. Larry stated that animal husbandry is a commercial entity where they raise and board the animals, such as kennels.

Chairman Chase opened the Public Hearing at 6:48 pm.

Betty Madore stepped forward and stated that she will be moving in across the street from the property in question. She came tonight because she was curious about what was going on. She wanted to know if, in the future, she would add more horses or would she just keep the two that she would have now. Chairman Chase stated that Ms. Crocker was currently applying for a conditional use permit for two horses. If she ever wanted to change this, she would have to come in and go through the whole process again.

Chairman Chase closed the Public Hearing at 6:52 pm.

Anne Whitten read a letter from Catherine and Ian McGilvery into the record:

Thank you so much for hearing our concerns. We reside next door to Helen Crocker who is requesting an ordinance change to allow for 2 horses in a residential district. My husband and I are strongly opposed to this request. We did not move in to our home with the expectation of our neighbor having farm animals. The electric fence that has been installed poses a hazard to our young children who regularly play ball outside. The one horse that Ms. Crocker has already run loose once and we fear that it could happen again. There is simply not enough room for two horses! The parcel of land that abuts Rte. 9 and our property is not properly fenced and poses a severe danger to drivers if a horse were to get out. The four dogs that are also living at the same residence are NEVER leashed and are constantly in our yard and regularly chase our children. Our four year old son fears being outside in his own yard when those dogs are outside. The police have been contacted on multiple occasions as a result of Ms. Crocker's inconsideration as a pet owner. Again, we thank you for hearing our concerns.

Mark Cahoon suggested that they table it for now and go on a site walk to see for themselves. They can also look at the fencing situation and manure disposal. Rick Reynolds stated that what Ms. Crocker is saying is good for the summer but not for the winter. He sees the electric fence as a problem. He said that if she has a thoroughbred horse, an electric fence will never stop that horse, especially if it gets spooked. Also, the permit states that it is for two horses but not these specific two horses. He stated that manure is another problem. They should use lime or something else to keep the smell down. Also, he wondered if somebody else moved onto this property, would this conditional use permit apply to the new owners as well. He stated that

residential areas are not really made to have horses as pets. He stated that the definition is really hard to figure out how much is needed for each horse because it could be a pony, a mini horse or a draft horse. Larry stated that the Board does have the leniency to put these types of restrictions on the permit.

Anne Whitten stated that she was a horse owner for 12 years and they lived by an electric fence. She never had an issue because they would come to a halt anytime they came near the fence. She also had draft horses that would not go near the fence. She also said that she agreed that conditions need to be put into place. She stated that a well-kept horse with a well-kept fence is a well-kept animal and she feels that a site walk will help answer any questions. Larry stated that he has an issue with an electric fence in a subdivision.

Jon Morse stated that his concern is that she has three close neighbors and he is wondering how it will affect property values if Ms. Crocker does not take good care of the horse and property as she states she will.

The Board discussed when to do the site walk. It was decided that they would go on the site walk tonight after the meeting.

Geoffrey Aleva motioned to table the conditional use permit application for Animal and Breeding Care for Helen Crocker to board two horses at One Davis Way (Map 2, Lot 51-8) until the next available Agenda. Rick Reynolds seconded the motion. VOTE: 5-0

Larry stated that the next meeting will be on July 10, 2014.

4. Other Business:

No other business at this time.

5. Adjournment:

Mark Cahoon motioned to adjourn the meeting at 7:05 pm. Rick Reynolds seconded the motion. VOTE: 5-0

Lawrence Huntley, CEO
Planning Coordinator

Respectively submitted,
Susan Niehoff, Stenographer

Chairman Barry Chase

Geoffrey Aleva

Rick Reynolds

Mark Cahoon

Jon Morse

Anne Whitten